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#23
Reply Brief

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Raeder	Examiner:	Nguyen, D.
Serial No.:	09/383,876	Group Art Unit:	3723
Filed:	August 26, 1999	Docket No.:	AMDA.316PA
Title:	POLISHING UNIFORMITY VIA PAD CONDITIONING		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this communication is being deposited in triplicate, in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on February 5, 2003.

By: *Erin M. Nichols*
Erin M. Nichols

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REPLY BRIEF

TECHNOLOGY CENTER R3700

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Reply Appeal Brief is submitted pursuant to 37 CFR §1.193 for the above-referenced patent application and is being filed in triplicate. Appellant respectfully submits that the Examiner's Answer has raised several new grounds of rejection including new arguments and new interpretations of the prior art of record. However, § 1.193 states that, "An examiner's answer must not include a new ground of rejection." Appellant respectfully submits that this Reply Brief be entered and that the Examiner's new grounds of rejection be set aside in considering the merits of the instant appeal. The issues raised in the Examiner's Answer, including the new grounds of rejection, are addressed below chronologically as they appear in the Examiner's Answer.

I. ISSUES AND ARGUMENTS

A. 37 CFR 1.192(d): Noncompliance Requires Notification

On page 2 of the Examiner's Answer, the Examiner indicated for the first time that Appellant did not comply with the § 192(c)(2) requirement of identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal. Appellant respectfully objects to the timeliness and the form of this notification, and disagrees with the merits of the argument.

Patent rules explain that notification of Appellant's asserted noncompliance regarding identification of any related appeals and interferences is to occur as set forth in 37 CFR 1.192(d) and that the Examiner must provide with this notification a period of one month within which to file an amended brief. The Examiner did not notify Appellant of any such noncompliance as required.

Further, Appellant submits that an adequate statement has been presented identifying any related appeals and interferences. On page 1 of the Appeal Brief filed on October 2, 2002, under the heading "II. Related Appeals and Interferences," Appellant included the statement "There are no related appeals or interferences." While Appellant appreciates the Examiner's assumption that there are no related appeals or interferences, it is unnecessary as Appellant has directly stated, as required by 37 CFR 1.192(c)(2) that there are no related appeals or interferences to the instant application's appeal. Accordingly, Appellant submits that the Appeal Brief was in compliance with 37 CFR 1.192(c)(2).

B. New Grounds of Correspondence Cited For Rejecting Claims 1-4, 6, 8, 10-12 and 17-19 Under § 102(b)

On page 3 of the Examiner's Answer, the Examiner for the first time cites new grounds of correspondence to allegedly teach that the *Renteln* reference teaches determining that the wafer is being polished in a center-offset manner as claimed. A review of the final Office Action dated June 4, 2002 does not disclose any assertion of the *Renteln* reference teaching "by measuring the removal rate across the radius of the wafer," or even an attempt to support such teaching. Because this alleged rationale and evidence was not introduced previously, according to 37 CFR §1.193, Appellant submits that the argument should be removed.

C. New Grounds of Correspondence Cited For Rejecting Claims 1-4, 6, 8, 10-12 and 17-19 Under § 102(b)

On page 3 of the Examiner's Answer, the Examiner for the first time cites new grounds of correspondence to allegedly teach that the *Renteln* reference teaches determining that the wafer is being polished in a center-offset manner as claimed. A review of the final Office Action dated June 4, 2002 does not disclose any assertion of the *Renteln* reference teaching "by recognize that the removal rate across the radius of the wafer is not uniform," or even an attempt to support such teaching. Because this alleged rationale and evidence was not introduced previously, according to 37 CFR §1.193, Appellant submits that the argument should be removed.

D. New Grounds of Correspondence Cited For Rejecting Claims 1-4, 6, 8, 10-12 and 17-19 Under § 102(b)

On page 3 of the Examiner's Answer, the Examiner for the first time cites new grounds of correspondence to allegedly teach that the *Renteln* reference discloses that the center-offset manner includes a center-fast or center-slow manner as claimed. A review of the final Office Action dated June 4, 2002 does not disclose any assertion of the *Renteln* reference teaching "since the wafer rotates against the rotating pad, the rotational speed at the edge of the wafer is higher than at the center of the wafer," or even an attempt to support such teaching. Because this alleged rationale and evidence was not introduced previously, according to 37 CFR §1.193, Appellant submits that the argument should be removed.

E. New Grounds of Correspondence Cited For Rejecting Claims 1-4, 6, 8, 10-12 and 17-19 Under § 102(b)

On page 4 of the Examiner's Answer, the Examiner for the first time cites new grounds of correspondence to allegedly teach that the *Renteln* reference discloses a detection arrangement adapted to detect whether the wafer is polishing in a center-offset manner as claimed. A review of the final Office Action dated June 4, 2002 does not disclose any assertion of the *Renteln* reference teaching "by measuring the removal rate across the radius of the wafer," or even an attempt to support such teaching. Because this alleged rationale and evidence was not introduced previously, according to 37 CFR §1.193, Appellant submits that the argument should be removed.

F. New Grounds of Correspondence Cited For Rejecting Claims 1-4, 6, 8, 10-12 and 17-19 Under § 102(b)

On page 5 of the Examiner's Answer, the Examiner for the first time cites new grounds of correspondence to allegedly teach that the *Renteln* reference inherently discloses the step of determining that a wafer is being polished in a center-offset manner as claimed. A review of the final Office Action dated June 4, 2002 does not disclose any assertion of the *Renteln* reference teaching "by measuring the removal rate across the radius of the wafer," or even an attempt to support such teaching. Because this alleged rationale and evidence was not introduced previously, according to 37 CFR §1.193, Appellant submits that the argument should be removed.

G. New Grounds of Correspondence Cited For Rejecting Claims 1-4, 6, 8, 10-12 and 17-19 Under § 102(b)

On page 5 of the Examiner's Answer, the Examiner for the first time cites new grounds of correspondence to allegedly teach that the *Renteln* reference teaches that removal rate at the center of the wafer differs from that at the edges as claimed. A review of the final Office Action dated

June 4, 2002 does not disclose any assertion that the *Renteln* reference recognizes “that the removal rate is different across the wafer or as a function of the wafer being polished in a center-offset manner,” or even an attempt to support such teaching. Further, the alleged recognition is untrue. Because this alleged rationale and evidence was not introduced previously, according to 37 CFR §1.193, Appellant submits that the argument should be removed.

H. New and Improper Grounds Cited For Rejecting Claims 1-4, 6, 8, 10-12 and 17-19 Under § 102(b)

On page 6 of the Examiner’s Answer, the Examiner for the first time cites new grounds of rejection alleging that Appellant has not disclosed support for claim language in the Specification. A review of the final Office Action dated June 4, 2002 does not disclose such discussion and any such discussion is irrelevant to a prior art rejection under 35 U.S.C. §§102 or 103. Because this alleged evidence was not introduced previously, according to 37 CFR §1.193, Appellant submits that the argument should be removed.

I. New Grounds of Correspondence Cited For Rejecting Claims 5, 7 and 9 Under § 103(a)

On page 6 of the Examiner’s Answer, the Examiner for the first time cites new grounds of correspondence to allegedly teach that the polishing pad is conditioned at the center of the pad, the edge of the pad or at a thick location on the pad as claimed. A review of the final Office Action dated June 4, 2002 does not disclose any assertion that the *Renteln* reference inherently teaches the above “to compensate for the change in the removal rate of the wafer,” or even an attempt to support such teaching. Further, the Examiner continues to fail to present evidence of motivation for the proposed modification of *Renteln*. Because this alleged rationale and evidence was not introduced previously, according to 37 CFR §1.193, Appellant submits that the argument should be removed.

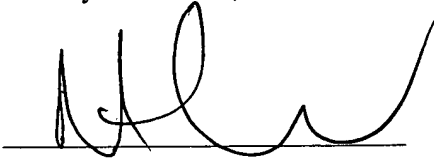
II. CONCLUSION

Appellant respectfully requests that each of the current rejections of the pending claims in the instant application be removed, and that the Examiner enter this Reply Brief identifying and addressing the new grounds of rejection. In view of the foregoing, Appellant believes the claimed invention to be patentable over the cited references since none of the references cited, either individually or in combination, anticipate or render obvious Appellant’s claimed invention.

Please charge Deposit Account No. 01-0365 (TT2512) if it is believed that additional fees are necessary in connection with the filing of this Reply Brief.

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February 5, 2003

Respectfully submitted,

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